

GAHC010233532022



2026:GAU-AS:6473

**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/7547/2022**

HAR KANTA DAS  
S/O- LT. DHANESHWAR DAS,  
VILL/P.O.- MALAYBARI, P.S.- KHETRI,  
DIST- KAMRUP(M), ASSAM,  
PIN- 782401.

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE GOVT. OF  
ASSAM,  
WATER RESOURE (W.R.) DEPARTMENT,  
DISPUR, P.O./ P.S.- DISPUR,  
DIST- KAMRUP(M), ASSAM, PIN- 781006.

2:THE CHIEF ENGINEER  
WATER RESOURCE (W.R.) DEPARTMENT  
ASSAM  
5QMC PLUS JRR  
KRISHNA NAGAR

P.O./P.S- CHANDMARI  
DIST.- KAMRUP(M)

ASSAM  
GUWAHATI- 781003.

3:THE ASST. CHIEF ENGINEER  
WATER RESOURCE(W.R.) DEPARTMENT  
ASSAM  
5QMC PLUS JRR  
KRISHNA NAGAR

P.O./P.S.- CHANDMARI  
DIST.- KAMRUP(M)

ASSAM  
GUWAHATI- 781003.

4:THE SUPERINTENDING ENGINEER  
SOUTHERN ASSAM WATER RESOURCE (W.R.) CIRCLE

P.O./ P.S.- CHANDMARI

DIST- KAMRUP(M)  
ASSAM

GUWAHATI- 781003.

5:EXECUTIVE ENGINEER  
GUWAHATI EAST WATER RESOURCE (W.R.) DIVISION

88  
DR. BK KAKATI ROAD  
ULUBARI

ASSAM  
GUWAHATI- 781003.

6:ASSISTANT EXECUTIVE ENGINEER (A.E.E.)  
GUWAHATI EAST WATER RESOURCE (W.R.) DIVISION

88  
DR. BK KAKATI ROAD  
ULUBARI

ASSAM  
GUWAHATI- 781003

For the Petitioner(s) : Mr. A. H. Alamgir, Advocate

For the Respondent(s) : Ms. P. Chakraborty, SC, WR

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER****Date : 08.05.2026**

Heard Mr. A. H. Alamgir, the learned counsel appearing on behalf of the Petitioner. Ms. P. Chakraborty, the learned counsel appears on behalf of the Water Resources Department.

2. The present writ petition has been filed by the Petitioner claiming an amount of Rs.2,86,900/- along with interest from the date of completion of the work order.

3. It is relevant to take note of the brief facts which led to the filing of the present writ petition. The Petitioner was issued a contract for "Construction of F/E along L/B of Digaru from National Highway to Kurkuria Hill". The total contractual value was Rs.2,86,900/-. The said work order was issued on 24.12.2012 and the work was to be completed within 30 days from the date of issuance of the work order.

4. The record reveals that the Petitioner had submitted some representations and the last of such representations enclosed to the writ petition is of the year 2018. Thereupon, after more than 10 years from the date of issuance of the work order and the alleged completion of the work, the Petitioner approached this Court by filing a writ petition on 14.11.2022. This Court had issued notice returnable by six weeks vide an order dated

25.11.2022.

5. The record reveals that an affidavit-in-opposition was filed by the Respondent No.3 on 29.01.2026 wherein it was mentioned that the Petitioner was issued a contract work order on 01.02.2012 and the value of the work was Rs.2,49,301/-. As per the records which were available with the Department, the Petitioner had executed about 50% of the allotted work and payment was made to the extent of Rs.1,24,651/-. It was also mentioned that there was no pending liability against the Petitioner. In addition to that, the bill of payment of the amount to the Petitioner has been enclosed as Annexure-1 to the said affidavit-in-opposition.

6. Considering the above, it is therefore the opinion of this Court that as the Respondents categorically mentioned that the Petitioner had only completed 50% of the work and all pending dues have been paid, the question of entertaining the instant writ petition under Article 226 of the Constitution thereby directing the Respondents to make further payment, does not arise.

7. In addition to that, this Court finds it very pertinent to observe that the Petitioner was issued the work order in the year 2012 and the Petitioner was required to complete the work

within 30 days. The entitlement of the Petitioner therefore arose sometime in the year 2012 itself. Merely by filing representations and doing nothing for a decade would clearly show that the Petitioner was gross negligent. On this count also, the present writ petition is required to be dismissed.

8. Accordingly, this Court does not find the present writ petition to be a fit case for being entertained under Article 226 of the Constitution, for which the writ petition stands dismissed.

**JUDGE**

**Comparing Assistant**